

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

Operating Engineers Local No. 101)
Pension Fund, et al.,) Plaintiffs,) Case No. 06-0272-CV-W-FJG
vs.))
Susie's Construction, Inc. and)
Susie York, d/b/a Susie's Construction, Inc.,) Defendants.)

ORDER

Plaintiffs have moved for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) (Doc. No. 5, filed July 17, 2006). The Court's file reflects that the complaint was filed on April 3, 2006, and that personal service was accomplished on defendants on April 12, 2006. Defendants failed to answer or otherwise respond to the plaintiffs' complaint within the 20 days of service of process. On August 8, 2006, this Court ordered defendants to show cause in writing on or before August 28, 2006, why default judgment should not be entered against them pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. See Doc. No. 9. Defendants were warned that failure to respond to the Court's Order to Show Cause (Doc. No. 9) could lead to judgment being entered against them without further notice. To-date, defendants have not responded to the Court's Order.

Therefore, it is **ORDERED** that judgment by default is hereby entered against defendants Susie's Construction, Inc. and Susie York, d/b/a Susie's Construction, Inc., and in favor of plaintiffs, for failure to answer or to plead, pursuant to Rule 55(b) of the Federal Rules of Civil Procedure. Plaintiffs are entitled to default judgment in the amount of **\$3,918.20**, which includes contributions in the amount of \$222.68, interest in the amount of \$305.33, liquidated damages in the amount of \$1,527.69, costs of \$430.00, and attorneys' fees in the amount of \$1,432.50.

The Clerk of the Court is directed to send a copy of this Order to defendants Susie's

Construction, Inc. and Susie York, d/b/a Susie's Construction, Inc. by regular United States mail and by certified mail, return receipt requested, at the following address:

37744 Maries Rd. 623
Dixon, MO 65459-7474

IT IS SO ORDERED.

Date: September 6, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge